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DIGEST OF RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

STEVENSON v. SPIVEY.

Jan. 19, 1922.

[110 S. E. 367.]

1. Injunction (§ 62 (3)*)—Lot Owner May Restrain Violation of Building Restriction by Adjoining Owner.—A lot owner may enjoin adjoining owner from constructing buildings in violation of building restrictions in deeds if such adjoining owner is bound by such restriction, and the restriction was inserted in conformity with and as a part of an execution of a general plan for the development of a known and well-defined property of which the lots are a part, and the general scheme was intended for the benefit of all the lots in the territory.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 525.]

2. Injunction (§ 62 (3)*)—Restrictive Covenants Enforced, but Are Not Favored.—Courts of equity will enforce restrictive building covenants in conveyances of real estate where the intention of parties is clear in creating them, and the restrictions are reasonable, but they will not be aided or extended by implication, and the burden rests upon the person relying upon such a covenant to bring himself within its terms, especially where he is not a party to the instrument containing the restriction.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 754.]

3. Covenants (§ 69 (2)*)—Assumed that Building Restrictions Were Intended to Inure Only to Benefit of Grantor.—In order for a building restriction to operate as between subsequent grantees of different adjacent lots or parcels of the same original tract, it must appear from the instrument, expressly or by a fair interpretation thereof, that it was inserted for that purpose, as otherwise it will be assumed that it was intended by the parties to the original deed to inure only to the benefit of the grantor, or his heirs and assigns.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 751.]

Appeal from Hustings Court of Portsmouth.

Suit by James T. Stevenson against E. Spivey. Decree for defendant, and plaintiff appeals. Affirmed.

Mann & Tyler, of Norfolk, for appellant.

J. Edward Cole, of Norfolk, for appellee.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.